

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Atul Kelkar et al.

Art Unit: 2123

Application No.: 10/731,742

Examiner: Juan Carlos Ochoa

Filed: December 9, 2003

For: METHOD AND SYSTEM TO
PERFORM ENERGY-EXTRACTION
BASED ACTIVE NOISE CONTROL

**NOTICE OF APPEAL FROM THE
EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed May 23, 2008, rejecting the following claims: 1 and 3-16.

The items checked below are appropriate:

1. Status of Applicants

This application is on behalf of ☐ other than a small entity or ☒ a small entity.

2. Fee for Filing Notice of Appeal

No fee is required for this Notice of Appeal. The Applicants previously filed an Appeal on March 10, 2008, and paid the associated fees, to which the Examiner responded by reopening prosecution on May 23, 2008. The Applicants are hereby reinstating the previous Appeal and therefore no Fees are due pursuant to MPEP 1204.01.

Notice of Appeal Fee due \$0.00

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8			
I hereby certify that this Notice of Appeal and all accompanying documents are, on the date indicated below, <input checked="" type="checkbox"/> being transmitted to the United States Patent and Trademark Office via the Electronic Filing System.			
<i>Name (Print/Type)</i>	A. Locke		
<i>Signature</i>	/A. Locke/	<i>Date</i>	August 21, 2008

3. Extension of Time

- ☐ Applicants petition for a one-month extension of time under 37 CFR 1.136, the fee for which is \$ 0.00.
- ☐ An extension for one month has already been secured and the fee paid therefor of \$ 0.00 is deducted from the total fee due for the total amounts of extension now requested.
- ☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

Extension fee due with this request: \$0.00

4. Total Fee Due

The total fee due is:

Notice of Appeal Fee	\$ 0.00
Extension Fee (if any)	\$ 0.00

Total Fee Due: \$0.00

5. Fee Deficiency

- ☒ If any additional fee is required in connection with this communication, charge Account No. 50-3505.

Respectfully submitted,

/Jeremy R. Bridge/
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Date: August 21, 2008